

FILING FEE \$92.00

FILING INSTRUCTIONS

IF YOU PLAN TO FILE ANY SMALL CLAIM SUIT POR LAWSUIT, PLEASE READ THE FOLLOWING INFORMATION SO THAT YOU CAN PROPERLY EXERCISE YOUR OPTIONS IN THIS MATTER.

FILING THE LAWSUIT

LIKE ANY SUIUT IN ANY COURT, BASIC INFORMATION SUCH AS THE DEFENDANT'S NAME, ADDRESS, AMOUNT AND A BRIEF STATEMENT OF THE FACTS MUST BE SUBMITTED TO THE COURT. THIS LACK OF INFORMATION HAS, IN SOME CASES COST THE PLAINTIFF DISMISSAL OF HIS SUIT IN THIS COURT. IF YOU DO NOT UNDERSTAND ANY INSTRUCTIONS, THE PLAINTIFF MAY ASK A NOTARY PUBLIC FOR ASSISTANCE.

HOWEVER, WE (THE STAFF) ARE UNABLE TO GIVE ANY FORM OF LEGAL ADVICE AS OF WE ARE NOT ATTORNEY'S. PLEASE REMEMBER THAT THE JUDGE WILL NOT DISCUSS THE CASE WITH YOU OR WITH THE DEFENDANT BEFORE THE HEARING.

YOUR PRESENTATION IN COURT

NORMALLY, THE HEARING BEFORE THE COURT IS INFORMAL WHERE BOTH PARTIES PRESENT THIER CASE TO THE COURT. ALTHOUGH THE LAW DOES NOT REQUIRE YOU TO RETAIN AN ATTORNEY TO REPRESENT THE CASE IN COURT. THIS COURT MUST STILL FOLLOW CERTAIN PRINCIPLES IN ORDER FOR ANY PARTY TO PREVAIL IN THE CASE. IF THERE WERE ANY WITNESSES TO THIS ACCIDENT, CONTRACT, OR INCIDENT MADE THE BASIS OF THIS SUIT, YOU MUST BRING THEM TO COURT. IF THEY DO NOT WISH TO COME, YOU CAN STILL REQUIRE THEM TO APPEAR IN COURT VBY FILING THE SUBOENA IN THIS COURT. ALSO BRING ANY PICTURE, TWO ESTIMATES AND POLICE REPORT (IF IT IS AN ACCIDENT) ANY MEDICAL BILLS THAT MAY HAVE BEEN INCURRED. SOMETIMES, THE COURT HAS TO DISMISS THE LAWSUIT BECAUSE THERE WAS NOT ENOUGH EVIDENCE PRESENTED.

ACCEPTING OR APPEALING THE JUDGEMENT

AFTER HEARING THE EVIDENCE, THE COURT DECIDES ON THE CONTREVERSY BY SIGNING THE JUDGEMENT, WHAT SHOULD YOU DO, THEN FOR THE PREVAILING, PARTY THE LAW STATES YOU MUST WAIT

30 DAYS FROM THE CASE OF JUDGEMENT SIGNED BEFORE COLLECTING EFFORTS BEGIN. AFTER 30 DAYS TRANSPIRE, THE PREVAILING PARTY HAS TWO BASIC OPTIONS TO PICK FROM ENFORCING THE JUDGEMENT:

- 1. ABSTRACT OF JUDGEMENT- THIS FORM CAN BE FILLED OUT AT THE JUDGES OFFICE FOR A FEE OF \$9. AFTER IT IS PREPARED IT IS RETURNED TO PLAINTIFF SO IT MAY BE FILED AT THE COUNTY CLERKS OFFICE FOR AN ADDITIONAL FEE . AFTER IT IS TURNED OVER TO THE COUNTY CLERKS OFFICE IT IS SERVED AS A PUBLIC NOTICE TO ALL WHO WANT TO DO BUSINESS WITH THE LOSING PARTY THAT A VALID JUDGEMENT WAS RENDERED AND HAS BEEN EXECUTED. IN OTHER WORDS IT'S SERVES AS BAD CREDIT RATING WHENEVER THE LOSING PARTY SEEKS CREDIT OR A LOAN FROM A BUSINESS OR A FINANCAL INSTITUTE.**
- 2. WRIT OF EXECUTION- THIS WRIT IS PREPARED BY THE JUDGE'S OFFICE FOR A STATE FEE OF \$72. IT IS AN ORDER FROM THE COURT TO THE WEBB COUNTY CONSTABLE'S OFFICE OR THE SHERIFF OFFICE THAT A PEACE OFFICER BE SENT TO THE RESIDENTS TO THE LOSING PARTY AND ALL OTHER PLACES MAY HAVE ANY NON-EXEMPT PROPERTIES THAT CAN BE SEIZED AND LATER SOLD AT A PUBLIC AUCTION TO SATISFY THE JUDGEMENT SIGNED AGAINST THEM. SINCE THE CONSTABLE AND THE SHERIFF'S OFFICE RECEIVE OTHER WRITS OF EXECUTION FROM ANOTHER COURTS, THW WRITS GIVES THEM UP TO 90 DAYS TO EXECUTED. IT HAS ALWAYS BEEN HELPFUL FOR THE PREVAILING PARTY TO SET AN APPOINTMENT WITH THE PEACE OFFICE SO THAT YOU CAN HELP HIM IDENTIFY ANY PROPERY. IN ESSENCE THE PEACE OFFICER CAN ASSIST YOU IN COLLECTING YOUR JUDGEMENT. IN MUST BE NOTED THAT ONLY NON-EXEMPT PROPERTY MAY BE SEIZED. IF NO PROPERY IS FOUND, THE WRIT IS RETURNED BY THE OFFICER AS "NULLA BONA" (NO PROPERTY FOUND).**

IF THE LOSING PARTY DOES NOT ACCEPT THE COURT JUDGEMENT AS FINAL, THEN THEY HAVE 10 DAYS FROM THE DATE THE DECISION IS SIGN BY THE JUDGE TO FILE A WRITTEN APPEAL WITH THE COURT. FAILURE TO DO SO WILL RESULT IN MAKING THE DECISION FINAL AND BINDING. IN ORDER TO FILE THE APPEAL, THE LOSING PARTY MUST CONTACT AN ATTORNEY SO THAT THE PROPER LEGAL PAPER WORK MAY BE SUBMITTED TO THE COURT. NORMALLY, A BOND MUST BE FILED FOR TWICE THE AMOUNT OF THE JUDGEMENT. ALSO AN APPEAL FEE OF \$14 MUST BE PAID.

NON-EXEMPT PROPERTY

UNDER STATE LAW, CERTAIN PROPERTY IS CONSIDER TO BE NON-EXEMPT PROPERTY. IN OTHER WORDS, PROPERTY CAN NOT BE SEIZED BY THE PEACE OFFICER TO SATISFY A JUDGEMENT.

IF THE LOSING PARTY IS AN UNMARRIED OR DIVORCED ADULT, THE FIRST 30,000 OF HIS /HERS PROPERTY IN THEIR POSSESION CANNOT BE SEIZED.

IF THE LOSING PARTY IS A MARRIED ADULT, THE FIRST 60,000 OF HIS/HERS PROPERTY IN THEIR POSSESSION CANNOT BE SEIZED. THIS COURT MAY PROVIDE THE EXEMPTION LIST. IT WILL BE ILLUSTRATED WHICH PROPERTY IS CONSIDERED EXEMPT.

“THIS OFFICE IS NOT A COLLECTION AGENCY”.

STATEMENT OF CLAIM

IN THE **SMALL CLAIMS** COURT OF WEBB COUNTY, TEXAS

_____, PLAINTIFF

JUSTICE PRECINCT NO. 2

WEBB COUNTY, TEXAS

VS.

No. _____

_____, DEFENDANT

State of Texas
County of Webb

}

_____, Plaintiff, whose post office address is

STREET AND NUMBER

CITY

Webb County, Texas, being duly sworn, on his oath deposes and says that _____

_____, Defendant, whose post office address is

STREET AND NUMBER

CITY

Webb County, Texas, is justly indebted to him in the sum of \$ _____

for _____

(HERE STATE NATURE OF THE CLAIM AND ALL PERTINENT DATES)

and that there are no counterclaims existing in favor of the defendant and against the plaintiff, except

Signed _____

PLAINTIFF

Subscribed and sworn to before me this _____ day of _____ A.D. 20 _____

Notary Public in and for
Webb County, Texas

Claim (SCC)

No.-----

STATEMENT OF CLAIM

IN

SMALL CLAIMS COURT

In Justice's Court

Precinct No. 2

Webb County, Texas

VS.